

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Julia Moran	Team: Squad #6	CCRB Case #: 201910118	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 11/14/2019 5:30 AM	Location of Incident: § 87(2)(b)	Precinct: 103	18 Mo. SOL 5/14/2021	EO SOL 12/29/2021	
Date/Time CV Reported Thu, 11/21/2019 12:22 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Thu, 11/21/2019 10:15 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Juan Jimenez	04642	938718	DB SID

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Juan Jimenez	Abuse: Detective Juan Jimenez entered § 87(2)(b) basement in Queens.	§ 87(2)(b)

Case Summary

On November 21, 2019, § 87(2)(b) filed the following complaint in person at the CCRB.

On November 14, 2019, at approximately 5:30 a.m., federal agents from Homeland Security with escorting officer Detective Juan Jimenez of the NYPD Computer Crimes Special Investigative Division executed a search warrant at § 87(2)(b) in Queens. § 87(2)(b) was in the basement when his mother, called for him to come upstairs. Federal agents, along with Det. Jimenez, allegedly entered the basement (**Allegation A: Abuse of Authority** – § 87(2)(g)). After the warrant was executed, the federal agents and Det. Jimenez left. There were no arrests or summonses issued during this incident.

No BWC was obtained in regards to this incident because as per the Legal Department, Det. Jimenez's command was not assigned BWC (BR 01). § 87(2)(b) provided 17 videos from his store front camera.

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Juan Jimenez entered § 87(2)(b) basement in Queens.

§ 87(2)(g)

§ 87(2)(b) provided 17 videos that captured the exterior of his store front (BR 05). The videos showed Det. Jimenez and Homeland Security federal agents entering the grocery store located at § 87(2)(b). The videos did not show the interior of the store or the basement.

§ 87(2)(b) testified that his father owns the building and he leases the first floor of § 87(2)(b) from him. The building has multiple levels, with the first floor consisting of a grocery store (BR 02).

On November 14, 2019, Homeland Security federal agents executed a warrant at his residence. § 87(2)(b) was asleep in the basement of the house and was awoken by his mother, § 87(2)(b). As § 87(2)(b) got dressed in the basement, approximately four or five Homeland Security federal agents, including Det. Jimenez, entered the basement. The federal agents did not ask permission to enter the basement. Det. Jimenez never spoke to § 87(2)(b) and did not walk around or look anywhere in the basement. A Homeland Security federal agent presented § 87(2)(b) with a search warrant from the United States District Court for the Eastern District of New York for the second floor for § 87(2)(b). The warrant was to be executed between 6:00 a.m. and 10:00 p.m. on or before November 20, 2019 (BR 03). There was a section on a page attached to the warrant with the heading "Inventory of the property taken." It was handwritten that devices were cleared on scene and that nothing was seized. § 87(2)(b) told the federal agent they could search the whole house and went upstairs with the federal agents. Det. Jimenez remained on the first floor of the grocery store by the entrance until the incident concluded. He did not search anywhere inside the house.

§ 87(2)(b) stated in a phone interview that § 87(2)(b) was asleep in the basement of the building when federal agents arrived (BR 04). Two NYPD officers were present. § 87(2)(b) told the federal agents that her son was downstairs in the basement and had the keys to the second floor. She called for her son and he came upstairs and opened the door to the second floor. Some federal agents and officers went to the basement and some went to the second floor. No one gave the federal agents or officers permission to go into the basement and no officer or federal agent verbally stated they were going to the basement. NYPD officers, including Det. Jimenez, went to the basement, but she could

not say if it was before or after Homeland Security federal agents went to the basement.

Det. Jimenez testified that he went to § 87(2)(b) in Queens with about five to six Homeland Security federal agents to assist with the execution of a search warrant (BR 06). No other members from the NYPD were present. He did not have any input or decision-making power about where to go once at the incident location because it was Homeland Security's operation and he was only there to assist. Whenever Homeland Security executes a search warrant, they invite officers from Det. Jimenez's command to assist. Darren Ward from Homeland Security oversaw the execution of the search warrant and was on scene during the incident. The location was a multi-level building with a bodega on the bottom floor and the residence on top. Det. Jimenez did not know what floor of the residence the search warrant permitted the entry and search. Homeland Security federal agents entered the bodega and Det. Jimenez remained outside for about two to three minutes while Homeland Security spoke with § 87(2)(b). Once Det. Jimenez entered the store, he stayed in the bodega the entire time by the entrance. Det. Jimenez never went downstairs to the basement. He was not aware there was a basement or if anyone resided in the basement. Det. Jimenez saw that there was a backroom in the bodega, but he was not sure if it led to a basement. Homeland Security officers and § 87(2)(b) went back and forth between the upstairs residence and the backroom. Det. Jimenez remained in the store for about two hours until Homeland Security informed him that their suspect was not on scene.

Det. Jimenez was not assigned a BWC during the time of the incident. Both § 87(2)(b) and § 87(2)(b) stated that Det. Jimenez entered the basement. The warrant, executed by Homeland Security, solely permitted the entry to the first and second floor (BR 03). Once the federal agents entered the first floor of the grocery store, Det. Jimenez stated that he entered and remained by the entrance of the store for the entirety of the incident as the federal agents executed their search. Det. Jimenez testified that he was not aware that an entry of the basement was conducted by himself or the federal agents.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party to one CCRB complaint and has been named as a victim in two allegations (BR 07).
 - § 87(2)(b)
- Det. Jimenez has been a member of service for 15 years and has been a subject in two CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

- As of April 13, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (BR 10).

Squad No.: 6

Investigator: Julia Moran Inv. Julia Moran 1/19/2021
Signature Print Title & Name Date

Squad Leader: Jessica Peña IM Jessica Peña 1/19/2021 -
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date